

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 29, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

RIVER ISAIAH ANDREW,

Defendant.

No. 2:24-CR-00060-MKD

ORDER GRANTING THE UNITED
STATES' UNOPPOSED MOTION
FOR A PROTECTIVE ORDER RE
MINOR'S IDENTIFYING
INFORMATION

ECF No. 21

Before the Court is the United States' Unopposed Motion for a Protective Order re Minor's Identifying Information. ECF No. 21. Given the nature of the allegations in this case, the United States moves to impose privacy protection measures pursuant to 18 U.S.C. § 3509(d). Defendant does not object to the proposed measures. The Court has reviewed the record and the motion and finds good cause to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The United States' Unopposed Motion for a Protective Order re Minor's Identifying Information, **ECF No. 21**, is **GRANTED**.

1 **2.** The privacy protection measures mandated by 18 U.S.C. § 3509(d),
2 when a case involves a person under the age of eighteen years who is alleged to be
3 a victim of a crime of sexual exploitation, or a witness to a crime committed
4 against another person, apply to this case.

5 **3.** All persons acting in this case in a capacity described in 18 U.S.C. §
6 3509(d)(1)(B), shall follow and abide by the privacy protections of 18 U.S.C. §
7 3509(d)(1) and (2) as follows:

8 **(1) Confidentiality of information.**

9 (A) A person acting in a capacity described in subparagraph (B) in
10 connection with a criminal proceeding shall—

11 (i) keep all documents that disclose the name or any other
12 information concerning a child in a secure place to which no
13 person who does not have reason to know their contents has
14 access; and

15 (ii) disclose documents described in clause (i) or the
16 information in them that concerns a child only to persons who,
17 by reason of their participation in the proceeding, have reason
18 to know such information.

19 (B) Subparagraph (A) applies to—
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- 1 (i) all employees of the Government connected with the case,
2 including employees of the Department of Justice, any law
3 enforcement agency involved in the case, and any person hired
4 by the Government to provide assistance in the proceeding;
5 (ii) employees of the court;
6 (iii) the defendant and employees of the defendant, including
7 the attorney for the defendant and persons hired by the
8 defendant or the attorney for the defendant to provide assistance
9 in the proceeding; and
10 (iv) members of the jury.

11 (2) **Filing under seal.** All papers to be filed in court that disclose the
12 name of or any other information concerning a child shall be filed under seal
13 without necessity of obtaining a court order. The person who makes the
14 filing shall submit to the clerk of the court –

- 15 (A) the complete paper to be kept under seal; and
16 (B) the paper with the portions of it that disclose the name of or
17 other information concerning a child redacted, to be placed in the
18 public record.

19 4. Counsel shall remind all persons providing assistance on this case of
20 these obligations.

1 **5.** Any alleged victim will be referred to either by pseudonyms,
2 whichever is agreed upon by counsel for the Government and the Defendant.
3 Counsel shall be consistent in their use of the identifier selected. The parties shall
4 prepare their witnesses and instruct them to refer to the alleged victims only by
5 using the agreed pseudonyms (e.g., "MINOR 1", "MINOR 2" etc.), rather than
6 their names, in opening statements and in closing arguments.

7 **6.** All personal information relating to any victim described above shall
8 be precluded from public disclosure.

9 **7.** All persons acting in this case in a capacity described in 18 U.S.C. §
10 3509(d)(1)(B), shall

- 11 a. Keep all documents that disclose the names, identities, or any other
12 information concerning minors in a secure place to which no person
13 who does not have reason to know their contents has access;
- 14 b. Disclose such documents or the information in them that concerns
15 minors only to persons who, by reason of their participation in the
16 proceeding, have reason to know such information;
- 17 c. Not permit Defendant himself to review discovery outside the
18 presence of defense counsel or a defense investigator;
- 19 d. Not permit Defendant to keep discovery in his own possession outside
20 the presence of defense counsel or a defense investigator; and

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2 e. Not permit Defendant to keep, copy, or record the identities of any
3 minor or victim identified in discovery in this case.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
5 and provide copies to all counsel.

6 **DATED** April 29, 2024.

7 s/Mary K. Dimke
8 MARY K. DIMKE
9 UNITED STATES DISTRICT JUDGE
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